THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.12301 OF 2007

DATED 25TH JUNE, 2007

Between

Dodla Pothuraju

... Petitioner

AND

The District Collector, Visakhapatnam District and others.

.... Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.12301 OF 2007

ORDER:

The petitioner's father appears to have occupied Government land admeasuring Acs.0.37 in survey No.110/5. It is alleged that he was also granted D-Form patta in 1965. A house was constructed thereon and land was being used for raising vegetables. After death of father in 1971, the petitioner is cultivating the land and residing in the house constructed thereon. It is alleged that on 29.05.2007, respondents 2 and 3 came to the petitioner and tried to dispossess the petitioner without following due process of law. Therefore, the writ petition is filed seeking appropriate relief.

After getting instructions, learned Assistant Government Pleader submits that the allegation that respondents 2 and 3 tried to dispossess the petitioner is not correct. He submits that necessary action would be initiated as per A.P.Land Encroachment Act, 1905 for vacating the petitioner, who is in occupation of the Government Punta land. Therefore, this Court observes that unless and until due process of law is followed, if he is in possession of the land, the petitioner cannot be evicted from the land, whether the land is assigned to his father or not.

The writ petition, with the above observations, is disposed of. No costs.

(V.V.S.RAO,J)

25.06.2007.
pln